REMARKS

Status Summary

The Office Action dated October 4, 2006, has been noted and its contents carefully studied. Claims 7-12 were previously pending in the application. By this Amendment, claim 7 has been amended to better clarify and more particularly claim the present invention. No new matter has been added. Reconsideration of the application as amended and based on the remarks set forth hereinbelow is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 7-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,724,750 to Burress (hereinafter "Burress 750"). These rejections are respectfully traversed.

Regarding independent claim 1, the Examiner contends that Burress '750 teaches the invention as claimed, including guiding air via a conduit system connected to the treatment chamber such that air is initially guided from the treatment chamber to the conduit system and is subsequently recirculated from the conduit system to the treatment chamber (referring to column 2, lines 22-38 of Burress '750) with (a) the air that has been guided from the treatment chamber to the conduit system initially being guided relative to a Peltier element having means for extracting heat from air passed therethrough, whereupon the air is cooled by its passage relative to the means for extracting means and, thus, the moisture absorption capacity of the air is reduced (referring to column 1, lines 40-57 of Burress '750), (b) the air having passed relative to the means for extracting heat subsequently being guided relative to a means for heating the air such that the air is heated (referring to column 3, lines 11-26 of Burress '750), and (c) the air thereafter being recirculated after such heating by the means for heating the air back to the treatment chamber (referring to column 3, line 61 - column 4, line 65 of Burress '750).

Preliminarily, it is noted that it is well settled that for a cited reference to qualify as prior art under 35 U.S.C. § 102, each element of the claimed invention must be disclosed within the reference. See Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) (stating that "[I]t is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention"). Accordingly, it is respectfully submitted that Burress '750 does not disclose every element of claims 7-11 and therefore cannot anticipate these claims under 35 U.S.C. §102(b).

By way of background, the present invention relates to a method for operating an appliance, such as a dishwasher, comprising at least one sub-program step for "drying" in order to efficiently dry items to be dried and thus keep the associated energy expenditure as low as possible.

Independent claim 7 has been amended herein to better clarify and more particularly claim the present invention. Specifically, claim 7 now recites a method for operating an appliance having a treatment chamber in which items are subjected to washing, rinsing, and drying programs, the method comprising: (a) performing a wash program for washing of the items; (b) performing a rinse program for rinsing of the items; and (c) performing a dry program for drying of the items, the dry program comprising guiding air via a conduit system connected to the treatment chamber such that air is initially guided from the treatment chamber to the conduit system and is subsequently recirculated from the conduit system to the treatment chamber with (i) the air that has been guided from the treatment chamber to the conduit system initially being guided relative to a Peltier element having means for extracting heat from air passed therethrough, whereupon the air is cooled by its passage relative to the means for extracting means and, thus, the moisture absorption capacity of the air is reduced, (ii) the air having passed relative to the means for extracting heat subsequently being guided relative to a means for heating the air such that the air is heated, and (iii)

the air thereafter being recirculated after such heating by the means for heating the air back to the treatment chamber.

In contrast to the present invention, Burress '750 discloses an apparatus for drying clothes, and in particular, a dryer utilizing pressure below atmospheric pressure for speeding the drying process. In accordance with Burress '750, a rotatable drum forms an airtight seal with a door and a vacuum line connects the interior of the drum to a vacuum pump. A shutoff valve closes the vacuum line to the pump, a pressure equalization valve connects the drum to the outside atmosphere, and a bearing supports the drum, in combination with the vacuum line. Infrared lamps heat clothes placed inside the drum or, in an alternate embodiment, a number of cold junction diodes provide the means for heating the clothes and the cold junction diodes are semiconductor diodes exhibiting Peltier effect characteristics. The vacuum pump reduces the air pressure in the drum below atmospheric pressure, reducing the evaporation temperature of the water in the clothes. A heat sensor measures the temperature of the air leaving the drum and solenoid-driven purge valves allow air to enter the drum in short bursts, thus aiding the drying of the clothes.

Applicant respectfully submits that Burress '750 does not teach or suggest all of the elements recited by amended independent claim 7. Particularly, Burress '750 does not teach or suggest a method for operating an appliance having a treatment chamber in which items are subjected to washing, rinsing, and drying programs, the method comprising: (a) performing a wash program for washing of the items; (b) performing a rinse program for rinsing of the items; and (c) performing a dry program for drying of the items, the dry program comprising guiding air via a conduit system connected to the treatment chamber such that air is initially guided from the treatment chamber to the conduit system and is subsequently recirculated from the conduit system to the treatment chamber with (i) the air that has been guided from the treatment chamber to the conduit system initially being guided relative to a Peltier element having means for extracting

heat from air passed therethrough, whereupon the air is cooled by its passage relative to the means for extracting means and, thus, the moisture absorption capacity of the air is reduced, (ii) the air having passed relative to the means for extracting heat subsequently being guided relative to a means for heating the air such that the air is heated, and (iii) the air thereafter being recirculated after such heating by the means for heating the air back to the treatment chamber.

For the above reasons, Applicant respectfully submits that Burress '750 does not teach or suggest all of the elements recited by amended independent claim 7, and therefore claim 7 and dependent claims 8-11 are not anticipated by the cited reference. Applicant therefore respectfully requests that the rejection of claims 7-11 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed at this time.

Claim Rejections - 35 U.S.C. § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Burress '750 in view of U.S. Patent No. 3,218,730 to Menk et al. (hereinafter "Menk"). This rejection is respectfully traversed.

Preliminarily, it is noted that in Hartness International, Inc. v. Simplimatic Engineering Co., 2 USPQ2d 1826 (Fed. Cir. 1987), the U.S. Court of Appeals for the Federal Circuit held that a dependent claim contains all of the limitations of the claim it depends upon plus a further limitation, therefore a dependent claim is not obvious if the claim it depends upon is not obvious.

Menk fails to overcome the shortcomings of Burress '750 discussed above in relation to independent claim 7. Menk is directed to a control arrangement for terminating a condensing clothes drying cycle wherein the temperature of the heated inlet air is used to terminate the drying cycle. More particularly, Menk discloses a drying cycle termination thermostat in a clothes dryer heater chamber ahead of the tumbling drum to operate a timer motor, a drying temperature control thermostat in the exhaust air from the tumbling drum having an ON

position for energizing the heater and an OFF position in series with the drying cycle termination thermostat, the drying cycle termination thermostat acting to terminate the drying cycle by continuously operating the timer motor when the heater is de-energized and the temperature of the air in the heater chamber falls below a predetermined value.

There is no teaching or suggestion in Burress '750, even if combined with the teachings of Menk, of the invention as presently claimed. Particularly, Burress '750, even if combined with the teachings of Menk, does not teach or suggest a method for operating an appliance having a treatment chamber in which items are subjected to washing, rinsing, and drying programs, the method comprising: (a) performing a wash program for washing of the items; (b) performing a rinse program for rinsing of the items; and (c) performing a dry program for drying of the items, the dry program comprising guiding air via a conduit system connected to the treatment chamber such that air is initially guided from the treatment chamber to the conduit system and is subsequently recirculated from the conduit system to the treatment chamber with (i) the air that has been guided from the treatment chamber to the conduit system initially being guided relative to a Peltier element having means for extracting heat from air passed therethrough, whereupon the air is cooled by its passage relative to the means for extracting means and, thus, the moisture absorption capacity of the air is reduced, (ii) the air having passed relative to the means for extracting heat subsequently being guided relative to a means for heating the air such that the air is heated, and (iii) the air thereafter being recirculated after such heating by the means for heating the air back to the treatment chamber.

For the above reasons, Applicant respectfully submits that Burress '750 in combination with Menk, does not teach or suggest all of the elements recited by amended claim 7, and therefore that claim 12, which depends from claim 7, is not obvious in view of the cited references. Therefore, Applicant respectfully

requests that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed at this time.

Double Patenting

Claims 7-12 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 39-53 of co-pending Application No. 10/539,550. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one skilled in the art to not claim the current application feature of regeneration for greater patent protection since the co-pending application would perform the invention as claimed regardless of a regeneration step. While the Examiner acknowledges that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented, Applicant respectfully traverses any double patenting rejection based on Application No. 10/539,550.

The invention described and claimed in Application No. 10/539,550 relates to a method for discharging vapor-laden air current in a cooking area and a corresponding vapor-discharging device. The method and the device guide the air current through a sorption agent for absorbing water or water vapor contained in the air current. The sorption agent is regenerated preferably when the air current is not being discharged from the cooking area.

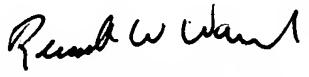
As described above, the present invention relates to a method for operating an appliance, such as a dishwasher, comprising at least one sub-program step for "drying" in order to efficiently dry items to be dried and thus keep the associated energy expenditure as low as possible. The present invention as presently claimed is directed to a method for operating an appliance having a treatment chamber in which items are subjected to washing, rinsing, and drying programs.

Accordingly, even though claims 7-12 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 39-53 of co-pending Application No. 10/539,550, Applicant respectfully submits that the claims of the present invention as currently amended are in fact patentably distinct from claims 39-53 of co-pending Application No. 10/539,550.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 7-12 are respectfully requested. If the Examiner has any questions regarding this Amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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